

#19IDS
J. Braun
4/10/02



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. : 040373/0255

Applicant: Kazuo ISHII

Title: OPTICAL SYMBOL READING DEVICE

Serial No.: 09/320,457

Filed: May 27, 1999

Examiner: J. Fureman

Art Unit: 2876

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

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Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c), after the mailing date of a first Office action on the merits, but before the mailing date of a final Office Action or a notice of allowance. Accordingly, a certification or fee is required.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Korean Office Action that issued January 31, 2002 with respect to a counterpart Korean patent application is provided below.

The invention according to Claim 1 of the present application relates to an optical character reader device, and thus although it is characterized by comprising in particular a position detector and a focal point position control part, Japanese Unexamined Patent Application Publication H5-67227 discloses an optical reader device that can measure the height of an item being conveyed and can change the position of the focal point, so the invention according to the aforementioned claim has been determined to be something that could have been invented with ease through a combination of the Cited Invention and the Cited Invention dated May 30, 2001 (H7-334606).

Attachment 1: Japanese Unexamined Patent Application Publication H5-67227, 1 copy

An English translation of the foreign-language document is not readily available. However, the absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR 1.98 and MPEP 609). An English language abstract is attached.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

Respectfully submitted,

April 4, 2002

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